

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SHANE MATTHEW MCKINLEY, ) 8:09CV371  
 )  
 Plaintiff, )  
 )  
 v. ) **MEMORANDUM  
 AND ORDER**  
 )  
 OMAHA POLICE DEPARTMENT, )  
 RECH, Officer, #1553, and )  
 ANDERSON, Officer, #1948, )  
 )  
 Defendants. )

Plaintiff filed his Complaint in this matter on October 13, 2009, while he was incarcerated. (Filing No. 1.) Plaintiff also filed a Motion for Leave to Proceed in Forma Pauperis (“IFP”) while he was incarcerated. (Filing No. 2.) Plaintiff filed a change of address on October 29, 2009, indicating that he is no longer incarcerated. (Filing No. 6.)

Since Plaintiff is no longer incarcerated, he must now file a new Application for Leave to Proceed IFP if he wishes to continue pursuing this case in forma pauperis. *See, e.g., McGann v. Comm'r, Social Security Admin., 96 F.3d 28, 30 (2d Cir. 1996)* (“A released prisoner may litigate without further payment of fees upon satisfying the poverty affidavit requirement applicable to all non-prisoners.”). Plaintiff may, in the alternative, pay the court’s \$350.00 filing fee. However, if Plaintiff fails to either file a new IFP application or pay the \$350.00 filing fee by December 9, 2009, this case will be dismissed without prejudice and without further notice.

IT IS THEREFORE ORDERED that:

1. By December 9, 2009, Plaintiff shall either file a new Application to

Proceed IFP or pay the \$350.00 filing fee. If Plaintiff fails to comply with this Memorandum and Order, this case will be dismissed without prejudice and without further notice.

2. The Clerk of the court shall send to Plaintiff Form AO 240, "Application to Proceed Without Prepayment of Fees and Affidavit."

3. Plaintiff is reminded to keep the court informed of his current address at all times while this case is pending; failure to do so could result in dismissal.

4. The Clerk of the court is directed to set a pro se case management deadline with the following text: December 9, 2009: deadline for Plaintiff to file new IFP application or pay filing fee.

November 10, 2009.

BY THE COURT:

*Richard G. Kopf*  
United States District Judge

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